

UNIVERSITY OF KENTUCKY



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DUTIES AND FUNCTIONS
OF
KENTUCKY COUNTY GOVERNMENT

THE HISTORICAL RECORDS SURVEY
WORKS PROGRESS ADMINISTRATION

DUTIES AND FUNCTIONS
OF
KENTUCKY COUNTY GOVERNMENT

Prepared by
The Historical Records Survey
Division of Women's and Professional Projects
Works Progress Administration

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Louisville, Kentucky
The Historical Records Survey
February 1938

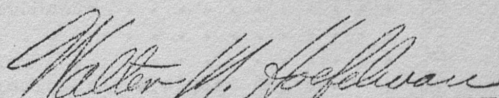
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FOREWORD

This manual has been prepared for the purpose of consolidating into a single compilation the current duties and functions of all offices and courts permitted by constitution and statutes in the state of Kentucky. All of the offices included are not in existence in each county; however, it was necessary to include each office authorized so that a complete abstract of Kentucky county governments would be available.

The arrangement of offices in this manual has been to classify the offices according to administrative, recording, judicial, taxation, law enforcement, and service divisions. The chart of county governmental organization is indicative of the manner in which offices are filled and courts, boards, and commissions composed, showing also the relationship of one office to another.

To increase the use of the individual office abstracts, an alphabetical index of duties and functions is included in this compendium.



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Louisville, Kentucky
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ABBREVIATIONS AND EXPLANATORY NOTES

ch.-----chapter
 Const.-----Constitution
 ed.-----edition
 et seq.-----et sequens, and the following
 ibid.-----ibidem, same reference as the preceding
 op. cit.-----opere citate, the work cited
 p., pp.-----page, pages
 par., pars.-----paragraph, paragraphs
 sec., secs.-----section, sections

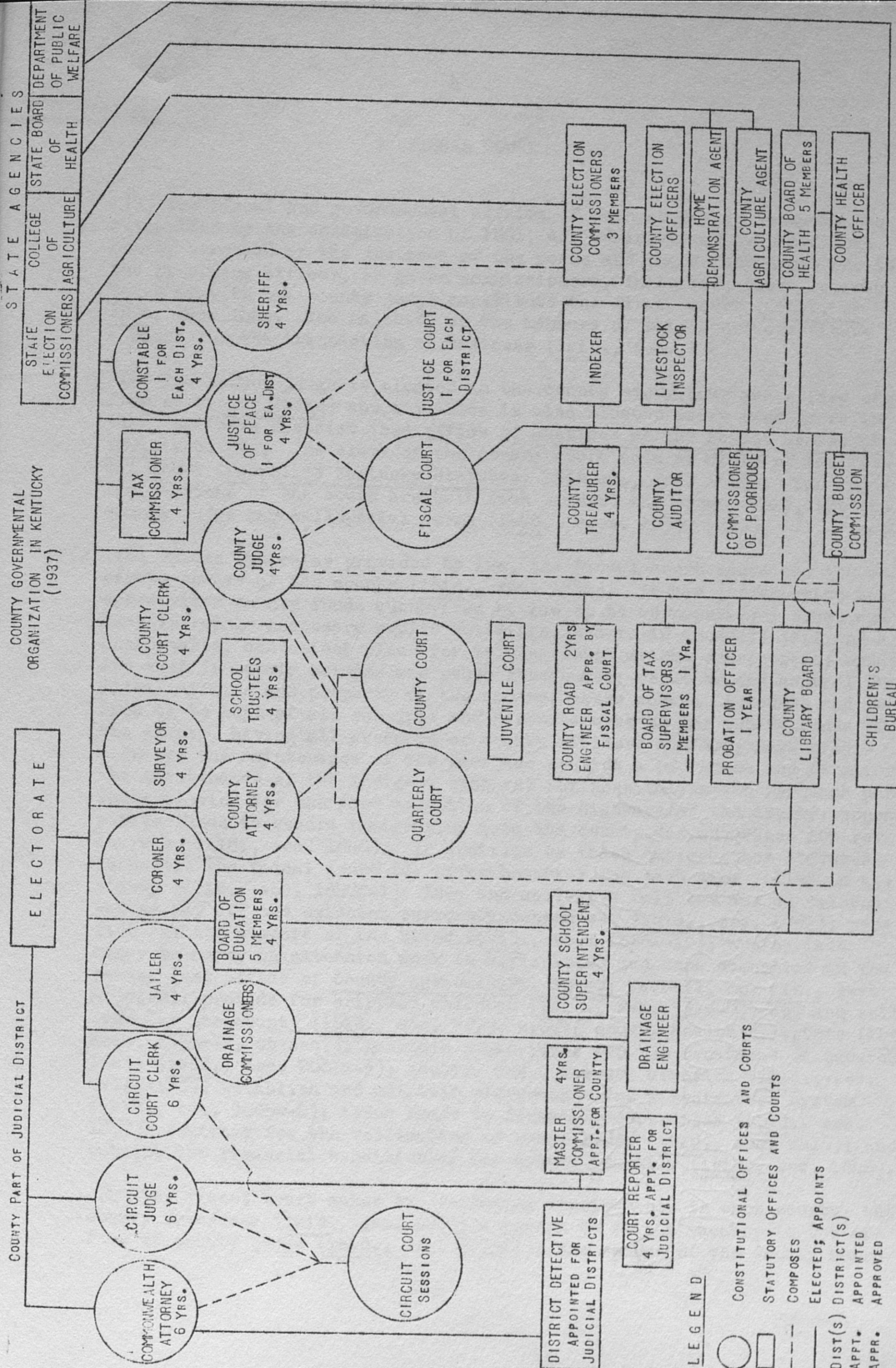
All references such as (see office of _____) pertain to sections in this volume only. Other citations refer to statute numbers as indicated.

References in the index to this volume apply to the section numbers of the various offices and to the paragraphs contained in each office section.

According to the constitution of 1891, the various cities and towns in Kentucky, for the purpose of their organization and government, are divided into six classes according to their population. In many cases change in classification has not kept pace with change in population, and many municipalities are no longer classified strictly according to present population. The general assembly, however, may change the assignments made as the population of cities and towns changes, and, in the absence of satisfactory means of obtaining the accurate population, it is governed by the last preceding federal census (Const. of 1891, sec. 156). The basis of classification is as follows:

First class.....	100,000 or more
Second class.....	more than 20,000 and less than 100,000
Third class.....	more than 8,000 and less than 20,000
Fourth class.....	more than 3,000 and less than 8,000
Fifth class.....	more than 1,000 and less than 3,000
Sixth class.....	less than 1,000

A complete list of the names and classes of incorporated cities and towns is included in the statutes (Carroll's Kentucky Statutes, 1936 ed., secs. 2740, et seq.).



I FISCAL COURT

(1) The fiscal and governmental affairs of each county in Kentucky, as authorized by the constitution of 1891, are administered by the fiscal court, composed of the justices of the peace and the county judge who is the presiding officer, or three commissioners, in certain counties, who together with the county judge constitute the fiscal court (Const. of 1891, sec. 114). The majority of the members of this court constitute a court for the transaction of business (ibid., sec. 112).

(2) The county judge is elected in the county every four years (see office of County Judge) and a justice is also elected every four years in each justice's district (see office of Justices of the Peace; Const. of 1891, sec. 99). The clerk of the county court acts as clerk of the fiscal court (Carroll's Kentucky Statutes, 1936 ed., sec. 1835). Two regular sessions of the court are held each year at the county seat, but the county judge may call special terms (ibid., secs. 1838, 1839).

(3) Unless otherwise provided by law, the fiscal court exercises the corporate powers of the county (ibid., sec. 1834). It has jurisdiction to: appropriate county funds authorized by law to be appropriated; erect and keep in repair necessary public buildings; secure an adequate jail and a comfortable, convenient place for holding court at the county seat; erect and keep in repair bridges and other structures; regulate and control the fiscal affairs and property of the county; cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county, having all accounts of county officers audited; make provision for the maintenance of the poor and provide a poorhouse and farm for the maintenance of the indigent sick and for hospitalization for such persons; provide for the good condition of the highways of the county; appropriate funds to secure immigration into the county and advertise its resources (ibid., sec. 1840). In addition to these duties other statutes authorize the fiscal court to: offer bounties for each crow killed in the county (ibid., sec. 1840f-1); levy and collect a poll tax and ad valorem tax to pay off the existent current indebtedness (ibid., sec. 1882); provide for the support of the blind (ibid., sec. 1895a-10); appropriate money to carry on extension work in agriculture and home economics in the county (see office of County Agricultural Agent; Carroll, op. cit., sec. 4636g-2); provide for crippled children (ibid., sec. 331m-9); buy and sell land for the county (ibid., sec. 927); create county health districts (ibid., secs. 2054a-1, et seq.); maintain sanatoriums for the treatment of tuberculosis (ibid., sec. 2061a-3); acquire and construct armories (ibid., sec. 2711a-128); establish and maintain playgrounds and a recreation system (ibid., sec. 3909a-2); issue bonds to finance indebtedness (ibid., sec. 1857); contract for the reclamation of swamp lands (ibid., sec. 2415); and publish the financial condition of the county annually (ibid., sec. 1846).

(4) The fiscal court makes the following appointments in each county: the county treasurer (ibid., sec. 929); a person to fill a vacancy in the office of county judge (ibid., sec. 3758-1); one member of the county board

of health (*ibid.*, sec. 2055); the county auditor (*ibid.*, sec. 1840); a person or bank as receiver of the tax (*ibid.*, sec. 1855) and one member of the county budget commission (*ibid.*, sec. 1851c-2). In addition, the statutes provide that the fiscal court may make the following appointments, which, however, are not mandatory: a commissioner to sell bonds issued by it for erecting and repairing public buildings (*ibid.*, secs. 1873, 1874); commissioners to examine all contract proposals for purchasing stock in turnpike road companies (*ibid.*, sec. 4739); an inspector and weigher of grain for grain warehouses (*ibid.*, sec. 4793); road commissioners (*ibid.*, sec. 4507a-1); a playground and recreation board (*ibid.*, sec. 3909a-2); a county livestock inspector (*ibid.*, sec. 63c-18); a commissioner of the poorhouse (*ibid.*, sec. 3925); and two members of the county library board (*ibid.*, sec. 938d-1). The appointment of the county road engineer is approved by the fiscal court (*ibid.*, sec. 4325).

II COUNTY COURT CLERK

(1) The county court clerk in each county is elected from the county at large for a four-year term, with vacancies to be filled by the governor. The clerk must be twenty-one years of age, a resident of the state for two years and of the county for one year preceding his election. He is compensated on a fee basis (Const. of 1891, secs. 99, 100, 152; Carroll's Kentucky Statutes, 1936 ed., sec. 1720).

(2) Upon the expiration of his term or upon removal, the county court clerk is required to deliver all books, records, and other papers belonging to his office to his successor or such persons as the county court may direct (*ibid.*, sec. 374). He must write up proceedings of the court each day (*ibid.*, sec. 378); list all steps in each case within thirty days after the close of each term of court (*ibid.*, sec. 379); administer oaths in or out of court, touching any matter in which an oath may be legally administered (*ibid.*, sec. 380); keep office within two hundred yards of the courthouse and hold it open and accessible at all reasonable times (*ibid.*, sec. 380); and, after termination of county court sessions, make out a list of claims against the public treasury and forward same to the state auditor of public accounts (*ibid.*, sec. 359).

(3) By virtue of his office the county court clerk is also clerk of the fiscal court and he is to attend all sessions of that court and report all proceedings (*ibid.*, sec. 1835).

(4) The county court clerk is required further to: certify and affix seals to soldiers' claims or to any power of attorney concerning same, free of charge (*ibid.*, sec. 382); keep a record of persons testifying in court upon legal summons (*ibid.*, sec. 383); record all license fees collected or paid to the circuit court (*ibid.*, secs. 4252, et seq.); keep an alphabetical cross index of all conveyances recorded in his office (*ibid.*, sec. 513); advertise yearly a list of all unrecorded deeds in his office and state why same were not recorded (*ibid.*, sec. 512); preserve all papers connected

County Court Clerk

(II)

with the county court (*ibid.*, sec. 1069); prepare all ballots, et cetera, for voting purposes (*ibid.*, secs. 1453, et seq.); return all unused licenses and stubs for the previous year to the state game and fish commission (*ibid.*, sec. 1954c-30); issue marriage licenses and record same (*ibid.*, secs. 2106, 2108-1); make a biennial report to the county judge of all law books received on public account (*ibid.*, sec. 2429); and safeguard all books for which he is responsible under bond (*ibid.*, sec. 2430).

(5) Additional duties require the county court clerk to keep a medical register of all physicians in the county (*ibid.*, sec. 2611); administer official oaths (*ibid.*, sec. 3754); record all instruments of writing acknowledged or proved before him as required by law (*ibid.*, sec. 511); record all settlements made by the county treasurer (*ibid.*, sec. 933); receive applications for automobile licenses, distribute registration plates, and report and remit to the state tax commission for same (*ibid.*, secs. 2379g-2a, 2739g-62); record wills (*ibid.*, sec. 4864); and see that records are not taken out of the county except in great emergencies or by court order (*ibid.*, sec. 377). He must not be interested in contracts with the county (*ibid.*, sec. 1844).

(6) The county court clerk acts as clerk of the board of tax supervisors (*ibid.*, sec. 4121), and he keeps and makes copies of orders of appointment of tax supervisors (*ibid.*, sec. 4116). He records and indexes the report of the sheriff pertaining to sale of property for taxes (*ibid.*, sec. 4162); certifies to the county tax commissioner each year a complete statement of all conveyances for the preceding year (*ibid.*, sec. 4240); makes an account of all public moneys received by him up to the first day of each circuit court session (*ibid.*, sec. 4242); enters in a well-bound book all moneys received (*ibid.*, sec. 4243); keeps a minute book of chattel mortgages in which to enter abstracts of all pledges, mortgages, or liens upon personal property (*ibid.*, sec. 523b-8); furnishes a list of mortgages and liens to the county tax commissioner (*ibid.*, secs. 4051a, 4051b); reports to the state tax commission on the sale of real estate (*ibid.*, sec. 4114i-14); certifies the tax on all distilled spirits, forwarding a copy to the sheriff for collection (*ibid.*, sec. 4108); makes out original bills for each person required to pay poll tax (*ibid.*, sec. 4239i); and, before September 1, makes and certifies to the county tax commissioner a complete statement of all purchase money, notes, mortgages, and other obligations or liens for money due the county (*ibid.*, sec. 4051a).

(7) The county court clerk is authorized to grant all licenses as agent for the state where business is proposed to be conducted in the county, except as otherwise specially provided (*ibid.*, sec. 4190); this includes transient merchants, peddlars, and other miscellaneous operators (*ibid.*, secs. 4214d, et seq., 4215, et seq. 4216, 4217b, et seq., 4223a, et seq., 4224, et seq.). He is also to forward stubs of licenses granted to the state auditor of public accounts within two days and the receipts for them once a month, at this time collecting his five per cent commission (*ibid.*, sec. 4195). The clerk

receives listings between July 1 and October 1 of mineral, oil, and gas rights and makes out tax bills for same, assessing a twenty per cent penalty for non-compliance of owners, and turns over the bills to the sheriff for collection (*ibid.*, sec. 4039). He also: makes a recapitulation of the tax supervisors' work (*ibid.*, sec. 4128a-1); makes out a bill for assessment of omitted papers (*ibid.*, sec. 4121-3); on or before January 1, receives from the county tax commissioner all tax schedules except those of intangible property, filing and preserving same for five years (*ibid.*, sec. 4114i-15); and makes out annually a book of tax bills and stubs for the use of the sheriff or collector (*ibid.*, sec. 4239a). The county court clerk may appoint deputies to assist him (*ibid.*, sec. 372). He is also a member of the county building commission (*ibid.*, sec. 1881a-1).

III COUNTY JUDGE

(1) The county judge is elected for a term of four years and is a conservator of the peace, commissioned by the governor. He must be at least twenty-four years of age, a citizen of Kentucky, and a resident of his county for two years preceding his election (Const. of 1891, secs. 99, 100, 140).

(2) The county judge is judge of the county court (*ibid.*, sec. 140; see County Court); of the quarterly court (Const. of 1891, sec. 139; see Quarterly Court); of the fiscal court (Const. of 1891, sec. 144; see Fiscal Court); and of the juvenile court (Carroll's Kentucky Statutes, 1936 ed., sec. 331e-2; see Juvenile Court). The county judge is a member of the county budget commission (Carroll, *op. cit.*, sec. 1851c-2; see County Budget Commission), and the board of health (Carroll, *op. cit.*, sec. 2055; see County Board of Health). He may call special terms of the county court (Carroll, *op. cit.*, sec. 1058).

(3) The county judge, as presiding judge of the quarterly court, keeps a docket, order book, and execution book, and fixes a rule day for the return of executions and other process, although he may appoint a clerk for that court (*ibid.*, sec. 1055).

(4) As judge of the fiscal court, he may call special terms of said court (*ibid.*, sec. 1838). He appoints the county road engineer, by and with the consent of the fiscal court (*ibid.*, sec. 4325).

(5) He may also appoint three or more tax supervisors, one from each magisterial district of the county, who meet as a board (*ibid.*, sec. 4115); guards for prisoners (*ibid.*, sec. 2044); a person to act as jailer when the jailer or sheriff cannot act (*ibid.*, secs. 2231, 2232); one or more commissioners of the poorhouse established by the county court (*ibid.*, sec. 3925); a special commissioner, who makes settlements with fiduciaries (*ibid.*, sec.

1062); a county indexer, with the consent of a majority of the circuit judges, in counties having a population over 75,000 and constituting a separate judicial district (*ibid.*, sec. 908); three members of the county library board (*ibid.*, sec. 938d-1); probation officers (*ibid.*, sec. 331e-3); from six to ten persons to serve as an advisory board to the juvenile court (*ibid.*, sec. 331e-19); in counties having a city of the first or second class, a stenographer for the juvenile court (*ibid.*, sec. 331e-17); with the school superintendent, three or five members of the county children's bureau (*ibid.*, sec. 331L-16); inspectors for inspection warehouses (*ibid.*, sec. 2188); processioners of land for the county (*ibid.*, sec. 2367); a public administrator (*ibid.*, sec. 3903); and a manager of the workhouse (*ibid.*, sec. 4868).

(6) Additional appointments which the county judge is authorized to make include: patrols for each patrol district of the county (*ibid.*, sec. 3780); three persons as a board of water commissioners (*ibid.*, secs. 938g-1, -2), who shall appoint a legal advisor, elect a chairman, secretary, and treasurer, and appoint a superintendent of water districts (*ibid.*, secs. 938g-4, -18, -21); a board of viewers where ditches, drains, et cetera, are to be constructed (*ibid.*, sec. 2380-2); a board of drainage commissioners (*ibid.*, secs. 2380-7, 2380b-12); a ~~Cartauqua~~ police commissioner (*ibid.*, sec. 324a-2); three commissioners to divide the county into justices' districts (*ibid.*, secs. 1079, 1444); a physician to vaccinate the poor (*ibid.*, sec. 4614); three commissioners to assess damages in railroad condemnation proceedings (*ibid.*, sec. 835); one or more deputy surveyors on the recommendation of the county surveyor (*ibid.*, sec. 4673); and personal representatives, guardians, trustees, committees, curators, and other fiduciaries (*ibid.*, sec. 1057).

(7) He may also appoint a judge pro tempore (*ibid.*, sec. 1049), and may fill temporary vacancies in the majority of county offices (*ibid.*, secs. 131, 1526, 1527, 4042a-6). Except in counties having a city of the first or second class, the county judge is a member of the county building commission (*ibid.*, sec. 1881a-1).

IV CIRCUIT COURT

(1) The present constitution established the circuit court in every county and gives the general assembly power to divide the state into a number of judicial districts (Const. of 1891, secs. 125, 128). The circuit judge, the presiding officer of the circuit court, is elected for each judicial district (*ibid.*, sec. 129).

(2) The circuit court is a court of record and has original jurisdiction over all matters both in law and equity, which jurisdiction is not exclusively delegated to some other tribunal. It also has jurisdiction in all cases where the title to land is involved or in which it is sought to enforce a lien upon or to subject land by provisional remedy to the payment of debt (Carroll's Kentucky Statutes, 1936 ed., sec. 966). The circuit court has cognizance of all personal actions involving over \$50 (*ibid.*,

secs. 1051, 1086) and over criminal actions where the fine upon conviction exceeds \$20 (ibid., sec. 1093). It has appellate jurisdiction over all judgments in civil actions where the amount involved is over \$25, over all judgments granted by the county courts where the amount is more than \$50, (ibid., secs. 978, 4302a-1), and over judgments of the justices' courts in forcible entry and detainer proceedings (Civil Code, sec. 463). Further jurisdiction extends over actions of the board of tax equalization (Carroll, op. cit., sec. 2992); judgments of the public service commission (ibid., sec. 3952-44); and judgments against defendants in criminal actions in the lower courts for imprisonment or fine of \$20 or more (Criminal Code, sec. 362). The general assembly has power to change the jurisdiction of the circuit court (Const. of 1891, sec. 126).

(3) The circuit court also has jurisdiction of violations of the common carrier laws (Carroll, op. cit., secs. 201e-12, -13, -21, -22); exclusive jurisdiction of inquests concerning the mind or mental faculty of persons, appellate jurisdiction from the county court in cases for the restoration of persons to sound minds (ibid., secs. 216aa-68, 216aa-101), and jurisdiction concurrent with the county court in the care and custody of idiots and lunatics and their estates (ibid., sec. 2149). The circuit court also has jurisdiction of claims upon the treasury (ibid., sec. 340a-2), and concurrent with the quarterly and justices' courts (police), of violations of the local option laws (ibid., secs. 2554b-79, 2554c-32), and of the offense of vagrancy (ibid., sec. 4758-3). It further has power to postpone judgment and probate persons charged with crime (ibid., sec. 979b-5).

(4) Additional duties of the circuit court are: to license newspapers to publish advertisements which by law are required to be published (ibid., sec. 13); to order delivery of fugitives from justice over to state demanding their return (ibid., sec. 1927); to appoint guards for prisoners (ibid., sec. 2044); to order out the militia on occasion (ibid., sec. 2711a-145s); and to render commitments to houses of reform (ibid., secs. 2095c-1, et seq.).

(5) The circuit court is empowered to sell land belonging to societies, such as charitable and religious societies, which have been dissolved, when the land has been granted to public uses for the purpose of re-investment in similar property (ibid., sec. 324). The circuit court meets three times a year in the county (Const. of 1891, sec. 131). Special terms may be called by the judge (Carroll, op. cit., secs. 971-12, -13). Circuit courts in county containing cities of the second class have jurisdiction over condemnation proceedings by such cities (ibid., sec. 3905).

(6) The circuit court is authorized to appoint: elisors to act in place of sheriff (ibid., sec. 1597); an attorney pro tempore to act for the commonwealth attorney (ibid., sec. 120) and in vacancy pending election (ibid., sec. 1528); guardians ad litem for persons under disability (Civil Code, sec. 38); two physicians to examine alleged insane persons (Carroll, op. cit., sec. 216aa-76); and committees for the care and custody of the persons and estates of idiots, lunatics, and others incompetent to manage their own affairs (ibid., sec. 2149).

Circuit Court

(IV)

Circuit Judge

(7) The circuit judge is elected every six years in the judicial district. He is a conservator of the peace and must be at least thirty-five years of age, have been a practicing lawyer for eight years, and be commissioned by the governor (Const. of 1891, secs. 129, 130). The circuit judge, as provided by statute, is empowered to call special terms of court and to order grand and petit juries to be empanelled whenever necessary (Carroll, op. cit., sec. 971-13). He may further appoint a court reporter for the judicial district (ibid., sec. 4637) and a master commissioner for each county in the district for a term of four years (ibid., sec. 392). Where the master commissioner does not act as such, the circuit judge appoints a receiver (ibid., sec. 409). The circuit judge is a member of the judicial council (ibid., sec. 1126a-1), and he appoints three persons as jury commissioners (ibid., sec. 2241) and two or more examiners in the counties of his district to take depositions (Civil Code, sec. 559). A majority of circuit judges may appoint an official interpreter in single county districts with a population of more than 75,000 (Carroll, op. cit., sec. 1019c-1).

Commonwealth Attorney

(8) The commonwealth attorney is elected in every judicial district every six years. He must be at least twenty-four years of age and have been a practicing attorney for four years (Const. of 1891, secs. 97, 100). His compensation is by salary and such percentage of fines and forfeitures as may be fixed by law. His office, however, may be abolished by the general assembly, in which event, the duties of his office are to be discharged by the county attorney (ibid., secs. 98, 108).

(9) It is the duty of the commonwealth attorney to attend each circuit court session held in his district and prosecute all violations of criminal and penal laws therein. He must attend to all civil cases and proceedings in the circuit courts of his district in which the commonwealth is interested, but in civil cases the governor may employ counsel to assist him (Carroll, op. cit., sec. 118). In his absence the circuit judge may appoint an attorney to act in his place (ibid., sec. 120).

(10) Other powers and duties specified by statute are to: advise the collector for the commonwealth in regard to delinquent collecting officers (ibid., sec. 122); file a statement in writing setting forth the reasons for his dismissing an indictment or entering a nolle prosequi (ibid., sec. 123); investigate all unsatisfactory judgments in his district in favor of the commonwealth (ibid., sec. 130); prosecute delinquent attorneys and those failing to pay their clients money collected (ibid., secs. 102, 105); represent the commonwealth in inquests concerning insanity (ibid., sec. 216aa-71); and prosecute suits instituted by the state auditor for collection of taxes due the state (ibid., sec. 4169). He is also to enforce the game and fish laws (ibid., sec. 1954c-18); to assist the forestry department in the enforcement of its regulations (ibid., sec. 2007i-25); to prosecute violations of sanitation laws (ibid., sec. 2060b-11); and to represent the state board of health in cases which come under his jurisdiction (ibid.,

Circuit Court Clerk

(IV, V)

sec. 2054a-19). He is commissioned by the governor (ibid., sec. 3758).

(11) The commonwealth attorney must neither receive anything from persons charged with crime in consideration not to prosecute the persons (ibid., sec. 1360) nor defend any criminal in the state except in cases in which he was employed before his election, or to which he is a party (ibid., sec. 121); and his law partner must not defend any person whom it is his duty to prosecute (ibid., sec. 109).

(12) He appoints a district detective in counties having a city of the second class (ibid., sec. 125M-1) and may appoint a stenographer to take testimony before the grand jury (Crim. Code, sec. 110).

V CIRCUIT COURT CLERK

(1) The circuit court clerk is elected for a term of six years by the county. He must be at least twenty-one years of age and a resident of the state for two years and of the county for one year preceding the election (Const. of 1891, secs. 99, 100). He is required to keep office within 200 yards of the courthouse (Carroll's Kentucky Statutes, 1936 ed., sec. 380), and to write up each day's proceedings in court (ibid., sec. 378). Upon resignation or termination of office, he delivers all papers and records pertaining to his office to his successor (ibid., sec. 374). He may appoint deputies to assist him (ibid., secs. 372, 1763).

(2) The circuit court clerk is required to: certify a list of all claims passed by the circuit court and payable out of the public treasury to the state auditor of public accounts within twenty days after the termination of each court session (ibid., sec. 359); keep a record of every execution and return made by the sheriff, recording all sales of real estate under execution and data concerning same (ibid., sec. 375); and list steps taken in every action and file a summary thereof with other papers in the case within thirty days after the close of each term (ibid., sec. 379).

(3) Additional duties of the circuit court clerk are to: issue subpoenas for appearance before grand juries (ibid., sec. 381); certify soldiers' claims (ibid., sec. 382); enter in a separate book all data concerning summons (ibid., sec. 383); make a full report to the state auditor of public accounts every November as to all cases filed in court the preceding year (ibid., sec. 385); keep a general index with the names of parties and the style of each case before the circuit court (ibid., sec. 386); keep an alphabetically indexed "Judgment Book" (ibid., sec. 388a-1); and make a transcript of all papers when a change of venue is ordered to the clerk of the court where the case is removed (ibid., sec. 1099).

(4) The circuit clerk must: tax costs on papers filed with each case at the termination of action (ibid., sec. 906); give a list of pauper idiots to the state auditor on or before September 10 each year, sending a certified copy of inquest proceedings to him (ibid., secs. 216aa-61, -62); re-

Master Commissioner

(V, VI)

port all taxes and other public money received up to the first day of each circuit court session (ibid., sec. 4242); keep a book in which to enter all money received (ibid., sec. 4243); collect fines and forfeitures and record the jury fund (ibid., sec. 2290-1); list all receipts and expenditures, giving a full written report every four months to the circuit judge (ibid., sec. 4252); issue executions (ibid., sec. 4244); issue process (ibid., sec. 4245); issue operators' licenses in behalf of the state tax commission (ibid., secs. 2739m, et seq.); keep a rule docket and enter thereon parties in cases and steps taken (ibid., sec. 990); keep equity and common law dockets (ibid., sec. 991); and pay jurors' compensation (ibid., sec. 2290-2). The circuit clerk keeps all books entrusted to him for public use (ibid., sec. 2424), and makes a biennial report to the circuit judge of books received on public account and those remaining in his office (ibid., sec. 2429). An act of 1930 requires him to act as librarian of the county library, for which he receives \$20 a month, and to take charge of the room, books, and equipment, making reports to the state librarian. He gives, at his discretion, such non-current documents as are not needed by the county, to the libraries of the University of Kentucky and the state teachers' colleges (ibid., secs. 2438, et seq.). The circuit court clerk appoints an attorney for an absent defendant at the time of making a warning order (Civil Code, sec. 59).

VI MASTER COMMISSIONER

- (1) The master commissioner is appointed by the circuit judge for each county for a term of four years and may be removed by him for cause. He takes oath and executes a bond (Carroll's Kentucky Statutes, 1936 ed., sec. 392). Persons aggrieved may take action on his bond (ibid., sec. 393).
- (2) His duties are to: keep a docket in his office containing the number of action, style, names of plaintiff and defendant, and date of reference, in each case; enter all claims filed in his office in such actions and give date, by whom filed, the nature and amount of claim, and whether and from what date claims bear interest; and enter the date of filing on the back of all or on the margin of claims, attesting same (ibid., sec. 404).
- (3) The master commissioner may appoint deputies to assist him when, in the opinion of the circuit court, such deputies are necessary (ibid., sec. 405). Unless otherwise ordered by the court, the master commissioner makes all conveyances of real property authorized by law to be made by such person. Commissioner's fees are taxed as costs and collected as fees of the circuit court (ibid., sec. 406).
- (4) The master commissioner makes settlements of insolvent estates (ibid., sec. 394), and, in cases of partition of land, makes only one deed unless otherwise ordered by the court (ibid., sec. 406). No allowance is made him until his statement is filed (ibid., sec. 396).
- (5) He may also be the receiver at the discretion of the court (ibid., sec. 409). He reports money on hand the first day of court, giving the style of

case in which money is collected (*ibid.*, sec. 402) and keeps all money paid him under order of the court, paying out same only upon the clerk's written order (*ibid.*, sec. 412). He is empowered to administer oaths, grant certificates, swear witnesses, coerce their attendance by subpoenas and attachments, and execute judicial sales (*ibid.*, sec. 395). Vacancies in his office are filled by the circuit judge (*ibid.*, secs. 397, 398).

VII COUNTY COURT

(1) The county court is made up of the county judge, who is a conservator of the peace, and who is elected for a four-year term (Const. of 1891, secs. 99, 100, 140; see County Judge). The county court sessions are held once each month, but special terms may be called by the judge (Carroll's Kentucky Statutes, 1936 ed., sec. 1058).

(2) The county court fixes the terms of the justices' courts (*ibid.*, sec. 1085), and has power to divide precincts in the county and change their boundaries (*ibid.*, sec. 1444). The county court has jurisdiction to probate wills, appoint and remove personal representatives, guardians, trustees, committees, curators, and other fiduciaries, and grant tavern, drug, and liquor licenses (*ibid.*, sec. 1057). It also has other jurisdiction, such as over bastardy charges, as may be given by law (*ibid.*, secs. 166, et seq.).

(3) It has further jurisdiction over: assignments (*ibid.*, sec. 76); penal and misdemeanor cases exclusive of the circuit court where the punishment is limited to a fine not exceeding \$20, and concurrent with the circuit court where the punishment does not exceed \$500 or imprisonment of twelve months, or both (*ibid.*, sec. 1093); cases of parents failing to educate deaf children (*ibid.*, 298f-6); cases involving dependent, neglected, or delinquent children (*ibid.*, secs. 331g-1, -3, 331e-2; see Juvenile Court); the care and custody of idiots and lunatics and their estates (*ibid.*, sec. 2149); and concurrent with the circuit court of the trial of persons violating game laws (*ibid.*, sec. 1938a-9).

(4) Additional jurisdiction is given the county court over: condemnation proceedings (*ibid.*, sec. 839); forcible entry and detainer proceedings (Civil Code, sec. 454); preservation of records, with power to have same transcribed and rebound (Carroll, op. cit., sec. 1632); watercourses and water districts (*ibid.*, secs. 938g-1, et seq.); county patrols (*ibid.*, sec. 3780); and cancellation of the registrations of voters (*ibid.*, sec. 1486bb-13).

(5) The county court may bind out infant children (*ibid.*, sec. 2591) and hear complaints and make orders concerning same (*ibid.*, secs. 2602, 2603).

(6) All places of public entertainment where intoxicating liquors are sold must obtain a license from the county court (*ibid.*, sec. 2554d-1). The county court appoints a public administrator (*ibid.*, sec. 3903) and has power to purchase and maintain a poorhouse, appoint a commissioner to look

after it (ibid., sec. 3925), and order a poor person to be taken to it (ibid., sec. 3931).

(7) The county court has power to establish and maintain a workhouse and provide for its financing (ibid., sec. 4867). It also has power to have swamp lands reclaimed (ibid., sec. 2380-1) and to establish ferries and grant ferry privileges (ibid., sec. 1800).

VIII JUVENILE COURT

(1) The juvenile court, presided over by the county judge, functions as part of the county court and has jurisdiction over all juvenile cases coming within the terms of that court. Special record books and dockets are kept for all cases of juvenile character. The clerk of the county court is also clerk of the juvenile court and may designate a deputy to act for him (Carroll's Kentucky Statutes, 1936 ed., sec. 331e-2).

(2) The jurisdiction of this court covers all matters pertaining to proceedings against persons in charge of neglected or dependent children. Until the first hearing of the case by the court, the chief probation officer or any assistant probation officer may release the child upon its own recognizance, or its parents or persons in control or supervision of the child, or may have the child placed in the detention school or place of detention maintained by the city or county. No child under fourteen years of age, however, may, under any circumstances, be incarcerated in any county jail or police station (ibid., sec. 331e-4). After the case is closed, the court makes disposition of the child by placing him in any institution, home, or hospital, as provided for by law (ibid., sec. 331e-6, et seq.).

(3) Statutory provision makes it permissible for the county judge to appoint a board of not less than six nor more than ten reputable inhabitants as members, who serve without compensation as an advisory board of the county court, juvenile session, holding office during the pleasure of the court (ibid., sec. 331e-19).

IX QUARTERLY COURT

(1) The quarterly court, presided over by the county judge, is held at least four times each year in each county, but the county judge may hold monthly or continuous sessions if he so orders (Const. of 1891, sec. 139; Carroll's Kentucky Statutes, 1936 ed., sec. 1050).

(2) As judge of the quarterly court the county judge is required to keep a docket, order book, and execution book, in which are reported the proceedings of the court, and to fix a rule day for the return of executions and other process. He may, however, appoint a clerk for the quarterly court (Carroll, op. cit., sec. 1055).

(3) The quarterly court has jurisdiction concurrent with the justices' courts in all civil actions within the county for the recovery of money or personal property where the value in controversy is \$100 or under, and concurrent with the circuit court where the value is between \$50 and \$200 (ibid., sec. 1051). In penal and misdemeanor cases the quarterly court has jurisdiction exclusive of the circuit court and concurrent with the justices' and county courts where the punishment is limited to a fine not exceeding \$20, and concurrent with the circuit court where the punishment does not exceed \$500 or imprisonment of twelve months, or both (ibid., sec. 1093). The quarterly court also has jurisdiction concurrent with justices' courts in motions against constables for money collected (ibid., sec. 1053), and jurisdiction concurrent with the circuit court over violations of liquor laws (ibid., secs. 2554b-79, 2554c-32). Appeals may be taken to the quarterly court from all judgments and orders of justices' and fiscal courts in civil cases (ibid., sec. 1054).

X COUNTY ATTORNEY

(1) The county attorney is elected every four years in each county, and he must be twenty-four years of age and have been a licensed practicing attorney for two years preceding his election (Const. of 1891, secs. 99, 100). His fees are regulated by law (ibid., sec. 106). In the absence of the county attorney, the county judge may appoint a pro tempore attorney to take his place (Carroll's Kentucky Statutes, 1936 ed., sec. 131).

(2) The county attorney is required to: attend all county and fiscal court sessions held in the county and conduct all cases and business in said courts touching the right or interests of the county; oppose the allowances of all claims unjust or not legally presented; and give the court and the several county officers advice concerning business within their jurisdiction (ibid., sec. 126). He is also to attend to the prosecution of all cases in the county in which the commonwealth or the county is interested, and, when so directed by the county or fiscal courts, institute or defend and conduct all actions before any court, in the state in which the county is interested; and he is further to attend the circuit courts held in the county and aid the commonwealth attorney in all prosecutions therein, attending to all the commonwealth business in the circuit court in the absence of the latter (ibid., sec. 127).

(3) The county attorney is required to attend examining trials before magistrates (ibid., sec. 128), and to oppose a wrongful opening, alteration, or discontinuance of public roads and the improper granting of tavern, merchants', and dog licenses, appealing to the circuit court if he thinks a license has been improperly granted (ibid., sec. 129). He is to: investigate all unsatisfied judgments in the county in favor of the

commonwealth and take steps to collect them (ibid., sec. 130); prosecute attorneys who fail to pay over money collected for their clients (ibid., sec. 105); conduct prosecutions for violations of the labor acts (ibid., sec. 33a-12); file a signed statement setting forth the reason before dismissing an indictment or entering a nolle prosequi (ibid., sec. 123); enforce the game and fish laws (ibid., sec. 1954c-18); and represent actions brought by the forestry department (ibid., sec. 2007i-25).

(4) The county attorney is further to: resist every application for divorce (ibid., sec. 2119); resist releases of apprentices and defend for them (ibid., sec. 2599); represent the state and local boards of health within his jurisdiction (ibid., sec. 2054a-19); and prosecute violators of the health, hotel, and restaurant inspection laws (ibid., secs. 2058, 2059a-14, 2060b-11). He is to: prosecute in bastardy cases (ibid., sec. 178); cause election instructions to be printed (ibid., sec. 1466); examine candidates for the office of tax commissioner (ibid., sec. 4042a-11); prosecute to recover penalties for tax evasions, erroneous entries in mortgages and deeds, and failure of the county clerk to perform his duties in that respect (ibid., sec. 4068). He is also authorized to appeal from the decisions of the board of tax supervisors to the quarterly court in behalf of the county or to represent the board when a taxpayer appeals to the quarterly or circuit courts (ibid., sec. 4128).

(5) The county attorney is a member of the county budget commission (ibid., sec. 1851c-2) and of the building commission for the county, except in counties having a city of the first or second class (ibid., sec. 1881a-1). In counties containing a city of the first or second class the county attorney appoints a stenographer or clerk to assist him (ibid., sec. 136c-1). In counties containing a city of the third class or having a population of 50,000 or more, he may appoint a stenographer or clerk subject to the discretion of the fiscal court (ibid., sec. 136d-1).

XI JUSTICES OF THE PEACE

(1) As provided for in the present constitution, each county is laid off into districts in such manner as the general assembly may direct, with no county having less than three nor more than eight districts in each of which one justice is elected. The justices are conservators of the peace commissioned by the governor with jurisdiction coextensive with the county (Const. of 1891, sec. 142; Carroll's Kentucky Statutes, 1936 ed., sec. 1078). They hold office for four years and are compensated by fees regulated by law (Const. of 1891, secs. 99, 100, 106; Carroll, op. cit., sec. 1731). By virtue of their office the justices of the peace are members of the fiscal court except in counties operating under the commissioner plan (Carroll, op. cit., sec. 1833; see Fiscal Court).

(2) The justices hold court once each month at a time fixed by the county court (Carroll, op. cit., sec. 1085) and at a place in their respective

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districts fixed by the fiscal court (ibid., sec. 1083a-10). In civil cases the justices' courts have jurisdiction concurrent with the circuit and quarterly courts of personal actions where the amount does not exceed \$100, and exclusive of the circuit and concurrent with the quarterly courts of cases not over \$50 (ibid., sec. 1086). In criminal cases they are authorized to have jurisdiction exclusive of the circuit court where the fine is limited to \$20 and concurrent with the circuit court where the fine is limited to \$100 or fifty days imprisonment or both (ibid., sec. 1093).

(3) The justices further have jurisdiction over distress warrants and attachments for rent (ibid., secs. 2301, 2302), forcible entry and detainer proceedings (Civil Code, sec. 454), and motions against constables (Carroll, op. cit., sec. 1086). They may also make court rules not inconsistent with the civil and criminal codes of practice for governing their courts (ibid., sec. 1083a-12).

(4) The justices are required to keep an order book and execution book and properly index the same, reporting therein their judicial proceedings (ibid., sec. 1088). They render new judgments where records are lost or destroyed (ibid., sec. 1091), and furnish persons desiring the same a copy of any record of proceeding in their custody, but they must not sign blank warrants (ibid., sec. 1092).

(5) Further jurisdiction given the justices includes that over stray or glandered animals (ibid., secs. 43, et seq.). They may conduct examining trials but must notify the county attorney to that effect (ibid., sec. 128; Criminal Code, secs. 49, 51); hold inquests in the absence of the coroner (see office of Coroner; Carroll, op. cit., sec. 535); order mad dogs to be killed (ibid., sec. 68a-9); issue warrants for the arrest or search of violators of game laws (ibid., sec. 1953); and try violations of the liquor laws (ibid., secs. 2554b-79, 2554c-32). It is their duty to report, on the first day of each circuit court, the amount of moneys due the commonwealth and collected by them (ibid., sec. 4252).

(6) The justices are authorized to solemnize marriages upon authorization by the governor or the county court (ibid., sec. 2103). They may also administer oaths and issue subpoenas for original or final process in any case within their jurisdiction (ibid., sec. 1087). Justices' courts are considered open at all times to try the offense of vagrancy (ibid., sec. 4758-3).

XII SHERIFF

(1) The sheriff is elected in each county every four years. He must be at least twenty-four years old and a resident of the county, and he is ineligible for re-election or to act as deputy for the succeeding term (Const. of 1891, secs. 99, 100, 106). He is required to take oath and execute bond for the faithful performance of his duties. With the approval of the county

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court he may appoint his own deputies, which appointments he may revoke at his pleasure, and he may also appoint a special person to execute process, but he is liable for the acts of such person (Carroll's Kentucky Statutes, 1936 ed., secs. 4141, 4555-4563).

(2) For two years after the expiration of his term of office the sheriff may collect distrainable fee bills placed in his hands for collection during his term of office (ibid., sec. 4564).

(3) He is required to execute and return all notices and process which come to him and may be lawfully executed by him against any person or property in the county (ibid., sec. 4565), and he notes on every execution the date he receives same (ibid., sec. 4571). He collects fines and forfeitures and all officers' debts payable in the county, accounting for and paying over same to the person entitled thereto (ibid., sec. 4572). Upon request he delivers to the person from whom fees are demanded an account of every item of the demand (ibid., sec. 4573).

(4) The sheriff is authorized to command and take with him, if need be, the power of the county to aid him in the execution of the duties of his office, whether civil or criminal (ibid., sec. 4578), and to break down doors to execute certain process and effect arrests (ibid., secs. 4579-4584). He is required, by himself, or with deputies, to attend and keep order in the circuit, county, fiscal, and quarterly courts and obey the orders of said courts (ibid., sec. 4587); to collect the county poll or ad valorem tax levy (ibid., sec. 1884); to keep his books in the manner specified by the auditor of public accounts (ibid., sec. 4139); and to make a list of delinquent taxpayers and of omitted property for taxation (ibid., secs. 4239b, et seq.), reporting each month to the state auditor of public accounts and to the county court the money collected the previous month (ibid., secs. 4143-4147).

(5) The sheriff must also keep his office open at all reasonable hours for the collection of money and record such collections (ibid., sec. 4140). He is further required to provide a voting place in each precinct in the county for each election (ibid., sec. 1467), preserve order at the polls, enforce the election laws, act as umpire when the judges disagree (ibid., sec. 1484), and deposit with the county clerk the returns from the different precincts (ibid., sec. 1596a-5).

(6) Further powers of the sheriff are to: issue dog licenses and impound unlicensed dogs running at large (ibid., secs. 68b-7, -18); hang persons sentenced to be hanged in the county and cause those convicted of felony to be conveyed to the penitentiary (ibid., secs. 1137-1, et seq.); enforce the state game and fish laws (ibid., secs. 1954b-14, 1954c-18); and execute summonses and orders issued by the state railroad commission (ibid., sec. 201g-15).

(7) When the jailer is committed to jail or when the office of jailer is vacant, the sheriff acts as the jailer (ibid., sec. 2231).

(8) The sheriff is also authorized to call out the militia to enforce the laws (ibid., sec. 2711a-145s); and he acts as administrator of a deceased's estate, when no other person qualifies as such (ibid., secs. 3907, 3908). He is further required to: turn in an itemized statement to the fiscal court each year of funds collected, receipted, held, or disbursed by him (ibid., sec. 3747a-1); suppress places of gambling (ibid., sec. 3914b-5); notify all taxpayers whose property has been raised or assessed by the board of tax supervisors (ibid., sec. 4122); collect all state, county, and district taxes, unless otherwise provided by law (ibid., sec. 4129); purchase real estate for the state, county, or district when such real estate is sold for taxation and no other purchasers are found (ibid., sec. 4151-2); and report on the first day of each circuit court the amount of moneys due the commonwealth and collected by him, except state and district taxes (ibid., sec. 4252). He also collects road taxes (ibid., sec. 4307b-4); keeps a cash book and enters thereon the sums collected, from whom, on what account, and date of payment (ibid., sec. 4701a-2); and summons grand and petit juries to make a return thereof (ibid., sec. 2246).

(9) The sheriff is permitted to carry concealed weapons for the enforcement of the law (ibid., sec. 1313).

(10) The sheriff is a member of the county board of election commissioners (ibid., sec. 1596a-2).

XIII CONSTABLES

(1) A constable is elected in each justice's district of every county every four years. The constables must be at least twenty-four years of age, residents of their respective districts, and have the same qualifications as the sheriff, their jurisdiction being coextensive with the county (Const. of 1891, secs. 99-101, 234). Before entering upon the duties of his office the constable is required to execute bond with sureties and to take oath that he will faithfully perform the duties of his office (Carroll's Kentucky Statutes, 1936 ed., sec. 424). He is required to give surety bond every two years as well as such additional security as the county court may demand (ibid., sec. 426). He is compensated by fees fixed by law (ibid., sec. 1733).

(2) The constable may execute bench warrants, warrants of arrest, distress or other warrants, summonses, subpoenas, attachments, notices, rules, and orders of court in all criminal, penal, and civil cases, and must return all such process on or before the return day, noting on them the time of execution (ibid., secs. 436, 439). He must levy on and satisfy fee bills, orders of witnesses' attendance, distress warrants, and attachments, in the order in which they were placed in his hands (ibid., sec. 442).

(3) Although he may exercise the duties of his office in any part of the county, the constable cannot be compelled to receive a precept, fee bill, or order for witnesses' attendance or other claims against anyone who resides out of his district, except such precept as is in behalf of the com-

monwealth or against property in his district; and he cannot execute a process in which he is interested, nor levy on nor sell land, nor make a return of "not found" without actually visiting the residence of the defendant (ibid., secs. 437, 438, 440). He is required to execute warrants in bastardy cases (ibid., sec. 168); to enforce the game and bird law (ibid., sec. 1954b-14); and, when he vacates or is removed from office, to return and account for all claims, process, and papers in his hands in the same manner as if he had continued in office (ibid., 428). He is permitted to carry concealed weapons (ibid., sec. 1315), to appoint one or more deputies with the consent of the county judge (ibid., sec. 425), and to distrain for his own fees, or for other officers, fees placed in his hands for collection (ibid., sec. 441).

XIV JAILER

(1) A jailer is elected in each county every four years, but the general assembly has power to consolidate the offices of jailer and sheriff at any time (Const. of 1891, secs. 99, 100, 105). Before taking up the duties of his office, the jailer is required to take oath and execute bond in the county court (Carroll's Kentucky Statutes, 1936 ed., sec. 2224).

(2) The jailer is an officer of the circuit and county courts and may execute process, the same as the sheriff, from any court in civil, penal, or criminal cases (ibid., sec. 2234).

(3) His duties, as keeper of the jail, are: to receive and keep all persons lawfully committed thereto until they are lawfully discharged, treating them with humanity, furnishing them with proper food and lodging, and delivering such as die in jail to their friends if requested, or having them buried (ibid., sec. 2226); to receive and keep persons committed under the laws of the United States or ordinances of any town in the county (ibid., secs. 2227, 2228); to reside within 400 yards of the jail and have the custody, rule, and charge of all persons in the jail (ibid., sec. 2229); to obey the rules made by the county court concerning the government and cleanliness of the jail (ibid., sec. 2233); to keep the jail clean and warm and furnish the prisoners sufficient bed clothing (ibid., sec. 2236); and to receive and keep prisoners transferred from another county jail to his for safekeeping (ibid., sec. 2240).

(4) Further duties of the jailer are: to cause persons condemned under the sentence of death to be conveyed to the penitentiary (ibid., sec. 1137-2); to turn over to the manager of the workhouse or work crew all prisoners sentenced to hard labor, and report once each month to the county court the disposition made of such persons (ibid., sec. 1379-7); on the first day of each month to make a statement showing the expenses of his office and the fees received by him during the preceding month, and pay the same to the auditor (ibid., sec. 1773); and when he goes out of office to deliver to his successor the custody of the jail, furniture, and prisoners, with all official papers by which prisoners were committed to his custody or by which they were liberated (ibid., sec. 2230).

(5) With the approval of the county court, the jailer may appoint one deputy who may be removed by him at any time (ibid., sec. 2237). When the office of the jailer becomes vacant, the sheriff acts as jailer, but, if the sheriff cannot act, the county judge may appoint a person to act for the occasion (ibid., secs. 2231, 2232).

(6) In counties not having a population of 75,000 or more nor a continuous circuit court, the jailer is superintendent of the public buildings and property at the seat of justice, and it is his duty to bring civil actions for injuries to said property (ibid., sec. 3948). In counties containing a city of the second class, the fiscal court has custody of the courthouse and public grounds, and the jailer is relieved of his duties of furnishing the courts with fuel, water, light, et cetera (ibid., sec. 938f-2).

XV CORONER

(1) A coroner is elected in each county every four years (Const. of 1891, sec. 99). He must be at least twenty-four years of age and a resident of the county (ibid., secs. 100, 234). He may execute process in civil, criminal, and penal cases, and, when so acting, the same laws in regard to the sheriff apply to him (ibid., sec. 536).

(2) It is the duty of the coroner to hold an inquest over the body when the death of a human being has resulted from unnatural cause in the county without an attending physician or by reason of crime, homicide, suicide, drowning, or other sudden death, or if a person dies from a wound within ninety days (Carroll's Kentucky Statutes, 1936 ed., sec. 528). In holding an inquest the coroner swears the witnesses, reduces the substance of their testimony to writing, and recognizes them to appear before the circuit court (ibid., sec. 530).

(3) The coroner may: employ a surgeon or physician for a post-mortem during an inquest (ibid., sec. 532); cause a search to be made to find dead bodies (ibid., sec. 534); have buried bodies exhumed to determine the cause of death (ibid., sec. 537a); and summon a jury to aid in the inquest (ibid., sec. 533). He must also: bury the dead body or deliver it to friends and pay over valuables found thereon to the county judge (ibid., sec. 531); arrest any person found guilty by the inquest, or issue his precept for the arrest and commit such person to jail, or, if the person had fled, summon aid and pursue him anywhere in the state (ibid., sec. 529).

(4) In case of absence or illness the coroner may appoint a deputy if at no additional expense to the county. If he cannot act and does not appoint a deputy to hold an inquest, any justice of the peace in the county may hold such inquest (ibid., sec. 535). When the office of the sheriff is vacant or if the sheriff or his deputy is a candidate in any election, the coroner performs the duties of the sheriff in regard to elections (ibid., sec. 1451).

XVI PROBATION OFFICER

(1) The county court has power to appoint one or more discreet persons of good moral character to serve without compensation as volunteer probation officers during the pleasure of the court. In counties containing a city of the first or second class, the county courts may appoint a chief probation officer and assistant probation officers who receive salaries and have all the powers of sheriffs and the county patrolmen in making arrests (Carroll's Kentucky Statutes, 1936 ed., sec. 331e-3).

(2) Whenever a case is started or transferred to the juvenile court, it is the duty of the probation officer: to make an investigation of the act complained of and the surrounding circumstances and present to the court in writing the result of his investigation; to be present when the case is heard; to represent the interest of the child, furnish information, advise with the court as to the proper disposition of the case, and take such charge of the child before and after the hearing as may be ordered; to keep himself informed as to the condition and conduct of children placed on probation and aid them to keep the terms of probation, making reports thereof; and, upon termination of the probation period, to report the conduct of the probationer. The probation officer must not divulge to any person other than the court or advisory board any information obtained pursuant to the discharge of his duties, without the consent of the county judge.

(3) In counties where there is a chief probation officer, it is his duty: to direct and be responsible for all cases in the juvenile court; to direct the children to and from institutions; when children are placed on probation, to direct the work of all officers in whose charge the children have been placed; to secure from such officers regular reports; to visit, at least twice a year, all children under the care of the court, unless excused by the court; to advise and counsel with all other probation officers; and to preserve, for use in the courts or probation office, complete records of the subsequent conduct of the probationer (ibid., sec. 331e-20).

(4) After the disposition of a case when a delinquent child is allowed by the court to remain in its own home or another private home, the child is subject to the friendly visitation and supervision of the probation officer and is required to report to him (ibid., sec. 331e-7).

XVII TAX COMMISSIONER

(1) The county tax commissioner is elected in each county every four years and is eligible for re-election (Carroll's Kentucky Statutes, 1936 ed., secs., 4042a-1, -2).

(2) The county tax commissioner, subject to the supervision of the state tax commission, assesses all the property in the county, except as otherwise provided for, and prepares the assessment books (ibid., sec. 4042a-7). With the consent of the state tax commission he may appoint as many deputies as necessary to assist him (ibid., sec. 4042a-3). It is his duty to: keep

his office open at reasonable times from July 1 to October 31 each year for the purpose of assessing property, and, either by himself or deputy, call at the residence of all taxpayers of the county and there furnish a schedule and secure the assessment of the property of such taxpayers; see every taxpayer in person who fails or refuses to list his property for taxation; between November 1 and December 31 make up his assessment book and perform such other duties as may be required to obtain a fair and equitable assessment of the property in his county (*ibid.*, sec. 4042a-12); and meet with the board of tax supervisors to furnish them information concerning the tax (*ibid.*, sec. 4042a-15).

(3) The tax commissioner is further required to: fix the value upon all estates listed with him and to report to the board of tax supervisors a list of all taxpayers whose tax lists he has increased (*ibid.*, sec. 4053); make out his tax book and prove its accuracy before he returns the same (*ibid.*, sec. 4054); make and return with his tax book a list of the qualified voters in his county (*ibid.*, sec. 4055); report to the county clerk the names of all persons refusing to list all their property (*ibid.*, sec. 4061); and give in a list of his own property to the board of tax supervisors (*ibid.*, sec. 4069). He is also to attend an annual meeting of the state tax commission and other county tax commissioners for the purpose of learning better how to assess property (*ibid.*, sec. 4114i-12); complete the assessment of property and file the tax books with the county clerk, also filing a list of intangible property with the state tax commission (*ibid.*, sec. 4114i-15); furnish the state commissioner of agriculture with such information as he may require (*ibid.*, sec. 34); and make a list of dogs in the county and notify the owners that they must obtain dog licenses (*ibid.*, sec. 68b-16).

(4) The fiscal court is required to provide for the tax commissioner a suitable office in which is kept the books, maps, taxpayers' lists, papers, and all other records pertaining to the assessment of property within the county, except such books or records as are required by law to be placed in the custody of other offices (*ibid.*, sec. 4042a-14).

XVIII BOARD OF TAX SUPERVISORS

(1) The board of tax supervisors in each county consists of three or more members appointed by the county judge but the number may not exceed one for each magisterial district of the county (Acts of the General Assembly of 1918, ch. 5, sec. 1, p. 15).

(2) When it appears to the board that intangible property has been omitted by the tax commissioner, the board is authorized to assess such property (Carroll's Kentucky Statutes, 1936 ed., sec. 4121-3). The county court clerk, after examination and approval of the commissioner's books by the board of tax supervisors, makes and records a recapitulation of the books as revised by the supervisors (*ibid.*, sec. 4128a-1). The board of tax

supervisors is empowered to assess the property of persons failing to list their property with the tax commissioner (ibid., sec. 4065) and to correct the tax books by a schedule of intangible property as corrected by the state tax commission, returning said schedule to the tax commission (ibid., sec. 4114i-15).

XIX COUNTY BUDGET COMMISSION

(1) The county budget commission is composed of the county judge, the county attorney, and one member appointed by the fiscal court (Acts of the General Assembly of 1934, ch. 24, secs. 1-14, pp. 62-70). The administration of the fiscal affairs of the county, except those pertaining to education, is by the fiscal court, under a uniform budget. The state budget officer classifies the counties according to their population and expenditures, and all funds expended by the county are provided for by this budget from the revenue for each fiscal year (Carroll's Kentucky Statutes, 1936 ed., sec. 1851c-1).

(2) The appointive member of the budget commission must be thirty years old, a resident and taxpayer of the county, and must hold no other public office at the time of his appointment, nor for a period of at least two years prior to it. He is eligible for reappointment and serves a term of office the same as that of members of the fiscal court (ibid., sec. 1851c-2).

(3) The duties assigned to the county budget commission are: to make a careful investigation of each separate activity of the county for which county funds are to be expended by the fiscal court, at a meeting or meetings to be held not later than the first day of May each year; and to classify all expenditures into budget units, subdividing these units when necessary, so that the cost of each class of expenditures can be ascertained at any time and regulated by the commission in accordance with the financial needs and conditions of the county. In addition to preparing an estimate of funds necessary for both general and particular purposes, the budget commission is required to prepare an estimated statement of receipts to be anticipated from the various sources of income (ibid., sec. 1851c-3).

(4) It is further provided that funds set apart in the county budget for a budget unit, or subdivision, shall constitute a separate budget fund which shall be appropriated and accounted for separately. Full power to supervise and direct the form and classification of the county budget is granted the state inspector and examiner, and not less than twenty days before the time to adopt the budget, the county judge, as chairman of the commission, must send two copies of the proposed budget to the state inspector and examiner for approval. In case the form and classification of this proposed budget is not approved by the state inspector and examiner, the county budget commission must use the form furnished by the inspector, and if the proposed budget is approved, the budget commission has no power to make any change, unless so authorized (ibid., sec. 1851c-4). The county budget has

Treasurer

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a fund, the "Sinking Fund Principal Account", out of which the bonded indebtedness is paid and to which, annually, is allocated a sum equal to the proportional yearly amount required to retire the bonds at maturity. The budget also has a fund known as the "Sinking Fund Interest" on the bonded indebtedness maturing during the current year (ibid., sec. 1856c-6).

(5) The records of the county budget commission are kept by the county court clerk, who is clerk of the fiscal court and who keeps, in an appropriate ledger, separate accounts for each budget fund, showing in detail the amount of the original appropriation, all transfers to and from the budget fund, all expenditures approved by the fiscal court and properly chargeable to the fund, together with the unnumbered balance remaining in the fund. These records are open for public inspection and for examination by the state inspector when making the regular audit of the records of county officials. Payment for all forms, books, blanks, and materials necessary for the administration of the fiscal affairs of the county is also authorized from funds of the county (ibid., sec. 1851c-7).

(6) Every three months the county judge is required to post in a conspicuous place in the courthouse, a statement showing the total appropriations and expenditures, and the balance on hand in the budget fund (ibid., sec. 1851c-8). All orders of the fiscal court approving claims must designate the particular budget fund from which each claim is to be paid, and each county warrant must show the budget unit from which it is to be paid (ibid., sec. 1851c-9). All warrants or contracts paid by the county treasurer must be certified as being within the budget appropriation, or such warrant or contract shall be null and void (ibid., sec. 1851c-10).

XX TREASURER

(1) The county treasurer is appointed by the fiscal court for a term of four years. He must be twenty-five years of age and a resident of the county for two years preceding his election and must execute bond as required by law (Carroll's Kentucky Statutes, 1936 ed., secs. 928-930). He takes an oath of office (Const. of 1891, sec. 228).

(2) Duties of the treasurer are to: receive and receipt for all money due or to become due from the several collecting officers or from any person whose duty it is to pay money into the county treasury; institute actions in the name of the county against all delinquent sheriffs or collectors and against any others having money belonging to the county who refuse to pay over the same when due; keep an accurate set of books in which is shown all money received or disbursed, the source, and for whom paid out; balance his books on the first day of each month, so as to show the correct amount on hand belonging to each fund on the day the balance is made; keep a record of all actions instituted by him on behalf of the county; keep office in the county seat and keep same open for collection of money at all reasonable times; report to the county judge in writing all money paid him; settle his accounts as county treasurer whenever required by the fis-

cal court, making complete settlement each year (Carroll, op. cit., secs. 929, et seq.); publish in the newspaper having the largest circulation in the county a complete statement yearly, showing all receipts and disbursements (ibid., sec. 3747a-1); have his books open for inspection for members of the fiscal court and as "public records" at all reasonable times for any taxpayer; keep as part of his record a book to be known as the "Budget Ledger", wherein the county budgets are to be kept by him, accounting for each budget fund separately; file with the fiscal court at meetings a financial statement showing the balance in each budget of the ledger, to be signed by him and recorded by the county court clerk; and deliver all official papers to his successor (ibid., secs. 929, et seq.). The treasurer is also authorized to purchase outstanding road bonds issued by the county (ibid., sec. 933-1).

XXI AUDITOR

(1) The office of auditor is an optional one provided for by an act of 1922. He is appointed by the fiscal court to keep such accounts and records, and to make such audits as required.

(2) He is employed under jurisdiction of the fiscal court to cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county and to have the accounts of all county officers audited when necessary (Carroll's Kentucky Statutes, 1936 ed., sec. 1840).

XXII COUNTY INDEXER

(1) The office of the official indexer exists only in counties having a population of 75,000 or more and constituting in themselves separate judicial districts. By statutory provision the indexer is appointed by the judge of the county court, with the concurrence of a majority of the circuit judges, for a term of four years. The indexer must possess the same qualifications of eligibility as the clerk of the county court and is subject to removal by the judge for incompetency or neglect of duty (Carroll's Kentucky Statutes, 1936 ed., sec. 908). He is liable on his official bond to persons sustaining loss by reason of error or omissions made by himself or his assistant in indexes (ibid., sec. 910). As his title indicates, his chief duties are to make indexes to the records of the various courts of his county (Acts of the General Assembly of 1893, ch. 302, sec. 2, p. 1128). The county and circuit judges in the county, sitting together, may order the indexer to transcribe old books or records into new books (Carroll, op. cit., sec. 1632).

(2) In counties containing a city of the first class, the county indexer is required to compile general cross indexes to the records and is given power to appoint his own assistants (Acts of the General Assembly of 1912, ch. 107, p. 302).

XXIII COUNTY ELECTION COMMISSIONERS

(1) The board of election commissioners consists of two electors of the county appointed by the state board of election commissioners each year and the sheriff, who presides at the meetings and votes in cases of disagreement of the other members. The two members of the county board are appointed one each from five names designated by the executive committees of the two largest political parties in the county. The board chooses one of its members as secretary to record its proceedings, and this record is kept as a public record in the county clerk's office. The majority of the board may do any act that the board is empowered to do, and, if a vacancy occurs, the state board appoints a person from the names already submitted by the party in which the vacancy occurs. When the sheriff cannot act the circuit court clerk acts in his place (Carroll's Kentucky Statutes, 1936 ed., sec. 1596a-2).

(2) The county board of election commissioners examines and canvasses the election returns of the county and gives three or more certificates of election to those who have received the highest number of votes for any office, transmitting one copy to the secretary of state, one to the elected person, and one to the county court clerk. Where office is not within the exclusive gift of the voters of the county, duplicate certificates are made, one to be retained in the clerk's office and one to be delivered to the sheriff (ibid., secs. 1596a-5, -8a, -9). The county election commissioners may employ, at county expense, necessary clerical help to count the votes. In counties having cities of the first, second, or third class they may employ extra tabulators (ibid., sec. 1482).

(3) The board also appoints for each election precinct each year two judges, one clerk, and one sheriff of election, all of whom must be voters of the precinct for which they are appointed. If the county executive committees of the two political parties each submit a list of names for each precinct, a judge and clerk must be appointed from one party and a judge and a sheriff from the other. The board may remove any of the officers prior to five days before an election (ibid., sec. 1596a-3). If any election officer refuses to attend or to act at the polls, the attending officer of his party may appoint someone to take his place; if both are absent the voters of his party present may elect persons to act in their stead (ibid., sec. 1596a-4).

(4) It is the duty of the election officers to compare each applicant's signature with the signature on the precinct register before issuing him a ballot, and to swear such persons as cannot sign their names, keeping a record thereof. It is the clerk's duty, after issuing a ballot to any voter on the registration record, to note that such person voted (ibid., sec. 1486b-45). When they close the polls the election officers must seal up the ballot box and deliver it to the county clerk (ibid., sec. 1482). It is the duty of all election officers to give information of all infractions of the election law to the commonwealth attorney and to have the offender apprehended (ibid., sec. 1592).

XXIV COUNTY BOARD OF EDUCATION

(1) Each county is under the management and control of a county board of education consisting of five members, one elected from each five divisions into which the counties are divided (Carroll's Kentucky Statutes, 1930 ed.,

secs. 4399-1a, -1b). To be eligible for election, a person must be at least twenty-four years of age, a citizen of Kentucky for three years preceding his election, a voter in the district for which he is to be elected, and must have completed at least the eighth grade (*ibid.*, sec. 4399-22). The board of education holds one regular meeting a month, but special meetings may be called by the chairman and the secretary upon request of three members. A majority constitutes a quorum, and a member failing to attend three consecutive regular meetings without excuse vacates his office (*ibid.*, sec. 4399-29). The members receive no salaries but may receive expenses incurred in the performance of their duties (*ibid.*, sec. 4399-32). Members are elected for four years, with the county school superintendent the executive officer and secretary (*ibid.*, sec. 4399-24).

(2) The county board of education is authorized to establish county high schools and unite with city authorities for that purpose if necessary; to estimate and lay before the fiscal court the educational needs of the county; to receive and expend taxes collected by the sheriff for school purposes; upon petition, to submit to the voters of sub-districts whether or not a tax should be levied for school purposes therein and to act upon the returns of such election; to establish new school sub-districts or change existing ones; to purchase, lease, sell, rent, or repair school sites, buildings, and necessary furnishings; to receive gifts, grants, or donations for the benefit of the schools; to condemn property for school use; to employ and fix salaries of teachers in the high schools established by them; and to prescribe the course of study and select textbooks to be used in said high schools (Kentucky Statutes, 1915 ed., secs. 4226a, et seq.).

(3) Further specified powers are to: determine, upon consent and advice of the county school superintendent and subject to the bylaws of the state board of education, the educational policy of the county; prescribe rules and regulations for the conduct and management of the schools; have control of county school funds in its corporate capacity (Carroll, op. cit., 1930 ed., sec. 4399a-5); provide sanitary facilities for each school (*ibid.*, sec. 4399a-6); appoint all principals, teachers, and supervisors from a list of names submitted by sub-district trustees; call a meeting of teachers to give instruction concerning their work; hold title to all school property; and suspend or remove from office the county school superintendent or any teacher, employee, or sub-district trustee for cause (*ibid.*, sec. 4399a-7). The board of education also appoints a district trustee for each district (*ibid.*, sec. 4399a-14) and employs supervisory attendance officers (*ibid.*, sec. 4399b-1).

(4) As provided for by additional statutes, the county board of education must provide, by establishment of a school or by contract with another district, at least an approved twelve-grade school service for the pupils in its district (*ibid.*, 1936 ed., sec. 4399-2). It may purchase and condemn real estate (*ibid.*, sec. 4399-21); fill vacancies in the board (*ibid.*, sec. 4399-30); appoint a secretary for a term of one, two, three, or four years (*ibid.*, sec. 4399-38); by concurrent action with other contiguous school districts, merge the district with other school districts (*ibid.*, sec. 4399-

12); submit to the voters whether or not the board shall issue bonds and levy taxes to pay for them (ibid., sec. 4399-13); and issue work permits to children (ibid., sec. 4434-4).

(5) The county board of education has power, also to: maintain a permanent and continuing school census (ibid., sec. 4434-25); provide for instruction of children with defective eyesight, hearing, or physical or mental handicaps (ibid., sec. 4434-33); furnish textbooks and other school supplies to indigent children (ibid., sec. 4363-12); prepare a school budget estimating the total to be received from the common school fund and the amount that must be raised by local taxation; and file a copy thereof with the clerk of the tax levying authority of the district (ibid., sec. 4390-40).

(6) The board is further empowered to elect a treasurer of the board if the secretary does not serve (ibid., sec. 4399-42); appoint a bank or trust company to serve as its depository (ibid., sec. 4399-43); maintain separate schools for white and colored children (ibid., sec. 4399-49); make reports to the state board of education of all phases of the school service and publish, for the information of the public, the progress of the schools (ibid., sec. 4399-54); summon and force the attendance of witnesses in any investigation or proceedings before it (ibid., sec. 4399-55); take possession of, sue for, and recover, sell, or convey property in the district that escheats to the state (ibid., sec. 4399-56); convert to its general school fund money that it owns for which it is to receive only the income (ibid., sec. 4399-60); and provide for roads or passways to its school buildings (ibid., sec. 4399-61).

(7) The county board of education appoints a county school superintendent and upon his nomination, appoints persons to act as assistants (ibid., sec. 4399-34). The board also fills vacancies in the office of sub-district trustees (ibid., sec. 4399-10). It has power to appoint such officers, agents, and employees as it may deem necessary (ibid., sec. 4399-20), and it further has power to appoint an attendance officer and such assistant attendance officers as are necessary, upon the nomination of the county school superintendent (ibid., sec. 4434-6).

XXV COUNTY SCHOOL SUPERINTENDENT

(1) The county school superintendent is appointed by the county board of education in each county for a term of one, two, three, or four years. He is required to hold a diploma or state certificate as required by the state board of examiners. He is the executive officer and secretary of the county board of education, and he is required to attend all meetings except when his tenure, salary, or the administration of his office is under consideration. The school superintendent may advise on any question but may not vote (Carroll's Kentucky Statutes, 1930 ed., sec. 4399a-2). His compensation is determined by the county board of education.

(2) Before assuming his duties he must present to the board a statement signed by the state superintendent of public instruction that he has been issued a certificate of administration and supervision. The board may appoint as many assistant superintendents as it may deem necessary upon the nomination of such persons by the county school superintendent (ibid., 1936 ed., sec. 4399-34).

(3) The county school superintendent is authorized to: lay off, abolish, or consolidate districts; condemn unfit schoolhouses and equipment; visit school districts as least once a year and make a record of school attendance, names of children unable to purchase books, condition of school and property, conduct, discipline, and method of instruction; see that trustees discharge their duties and give them advice, especially in regard to securing attendance; advise with teachers and admonish them for neglect of duties in regard to school property; and, by every means in his power, strive to promote and advance the cause of common schools (Kentucky Statutes, 1909 ed., sec. 4403).

(4) It is the duty of the county school superintendent, further to: report to the county judge the number and cost of textbooks needed to supply indigent children (ibid., sec. 4405); make additional reports required by the state superintendent of public instruction (ibid., sec. 4406); pay teachers' salaries upon receipt of certificates from the district board of trustees (ibid., sec. 4407); settle with the county judge annually for the previous school year, forwarding to the superintendent of public instruction a copy certified by the county clerk and showing moneys received and disbursed; refund to the state treasurer any unused funds (ibid., sec. 4409); make a complete report to the superintendent of public instruction on August 1 (ibid., sec. 4410); and hold office at the county seat on the second Saturday of each month and at such other times as necessary to transact his official business (ibid., sec. 4415).

(5) The county school superintendent has power to enforce all laws, rules, et cetera, relating to schools; to appoint necessary clerks to prepare rules, regulations, bylaws, and statements of policy for approval and adoption by the board, and subject to control of the board; and to have general supervision of the conduct, course of instruction, management of teachers, discipline of pupils, and management of business affairs (ibid., secs. 4399-16, -34). The school superintendent is further empowered to appoint members to such free libraries as may be established in the county (ibid., sec. 938d-5). He is exempt from jury service during school session (ibid., sec. 2253a-2). He must make a yearly report at the close of

the scholastic year to the state board of education, giving an itemized account of all funds received from the state and other sources, and a statement of all expenditures during the year (ibid., sec. 4370-5).

(6) The county school superintendent nominates with the county judge a list of persons from which they later appoint three or five persons as members of the county children's bureau (ibid., sec. 331L-16). He also nominates attendance officers in school districts for appointment by the board (ibid., sec. 4434-6), and recommends teachers when the sub-district trustee fails to, for appointment by the board (ibid., sec. 4399-9).

XXVI SCHOOL TRUSTEES

(1) Under a law passed in 1934, each sub-district of each school district, into which the counties are divided, elects one sub-district trustee, who serves a term of four years. A candidate for the office of sub-district trustee must be at least twenty-five years of age and have resided in the sub-district six months prior to election (Carroll's Kentucky Statutes, 1936 ed., sec. 4399-7). The sub-district trustee nominates competent teachers for each teaching position in his sub-district, and the board of education of the county school district elects them to such positions (ibid., sec. 4399-9). In case of vacancy in the office of the sub-district trustee, the board of education, on the recommendation of the superintendent of schools, appoints a person to fill the vacancy (ibid., sec. 4399-10). The sub-district trustee exercises general control over the school property of the sub-district under the general supervision of the county board of education, advising with the superintendent on all matters pertaining to the general welfare of the schools in his sub-district (ibid., sec. 4399-11).

XXVII COUNTY LIBRARY BOARD

(1) The fiscal courts in counties having no city or town with a free tax-supported library are given power to establish a county public library, open and free to all inhabitants of the county. The library is under the control of the county library board, consisting of seven members appointed as follows; by the fiscal court, two members for terms of one year, one of whom must be a woman; by the county school superintendent, two members for two years, one of whom must be a woman; and, by the county judge, three members, one a woman, for one year, one for two years, and one for three years. Not more than two of the appointees may reside in the magisterial district. Members must be at least twenty-five years of age and serve without pay (Carroll's Kentucky Statutes, 1936 ed., sec. 938d-1).

(2) The members of the board elect a president, vice-president, and secretary; they have control and disbursement of public funds for the use of the library, from what ever source derived, and the custody and control of the books and other property. They also have power to purchase books, pamphlets, periodicals, and other materials, and all necessary equipment, furniture, and supplies, and to direct all the affairs of the county public library board. They are empowered to receive donations, bequests, and legacies, and to purchase, receive, sell, and convey real estate and personal property for

and on behalf of the library. The board has power to: make and enforce such rules for the management of the library as it deems necessary; employ librarians, assistants, janitors, and other employees; call for official bonds; establish branches and deposit stations; issue or sell certificates of library cards to non-residents; pay the expenses of delegates to library meetings; and do all things necessary to promote the interest of the library (ibid., sec. 938d-3). It is the duty of the county library board to determine, annually, the rate of taxation that shall be necessary to establish, increase, equip, and maintain the public library, and to certify the same to the circuit court (ibid., sec. 938d-6).

(3) Where the services of a city or town public library are extended to residents in the county outside such district, and the county is taxed for its upkeep in lieu of a regular county library as discussed above, the fiscal court appoints two persons, one of whom must be a woman, for a period of two years, and the county superintendent appoints two such members for periods of one and three years, respectively, to serve with the library board (ibid., secs. 7938d-4, -5).

XXVIII COUNTY BOARD OF HEALTH

(1) The state board of health appoints, for a term of two years, three intelligent, discreet, licensed, practicing physicians, residing in the county, who, together with the county judge and one person appointed by the fiscal court, constitute the county board of health (Acts of the General Assembly of 1904, ch. 35, secs. 1, 2, pp. 106, 107). The members draw no compensation (Acts of the General Assembly of 1918, ch. 65, secs. 1-3, pp. 290-353).

(2) The board has authority: to require heads of families and other persons to execute such sanitary regulations as it may consider expedient to prevent the outbreak and spread of cholera, small pox, yellow fever, scarlet fever, and other communicable diseases; to bring infected populations under prompt and proper treatment during premonitory or other stages of the diseases; to inspect premises believed unclean and infectious; to determine and fix the location of an eruptive hospital for the county sufficiently remote from habitation and public highways; to enforce rules and regulations adopted by the state board of health; and to subject persons failing to comply with them to a fine of not less than \$10 or more than \$100 for each day of non-compliance. It is the duty of local physicians and heads of families in the county to report all the above-mentioned or other communicable diseases.

(3) The board makes reports to the state board of health at least every three months concerning: first, the character of infectious, epidemic, and communicable diseases prevailing in the county; second, the number of persons reported infected with such diseases; third, the action taken by the

County Livestock Inspector

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county board of health in arresting progress of epidemics; and fourth, the visible effects of such action. The county board also makes such special reports as required or desired by the state board. It appoints a physician as health officer of the county (Carroll's Kentucky Statutes, 1936 ed., sec. 2055), and it may also employ an assistant to the health officer (ibid., secs., 2054a-10, -11).

County Health Officer

(4) The county health officer is appointed by the county board of health. He serves as secretary and executive agent of the board and sees that the rules and regulations of the state board are enforced.

(5) He holds office at the pleasure of the county board and receives such salary as fixed by the fiscal court (Acts of the General Assembly of 1918, ch. 65, secs. 1-3, pp. 290-353; Carroll, op. cit., sec. 2055).

XXIX COUNTY LIVESTOCK INSPECTOR

(1) The fiscal court in each county appoints or elects a county livestock inspector, who must be a citizen of the county and a licensed veterinarian, if there be such in the county, regularly engaged in the practice of veterinary medicine; and, if there be neither a licensed graduate veterinarian nor a licensed non-graduate veterinarian in the county, the inspector shall be a citizen of the county who is familiar with the care and attention of livestock diseases. This appointment, however, must be approved by the state livestock sanitary board (Acts of the General Assembly of 1918, ch. 69, p. 361, sec. 18; Carroll's Kentucky Statutes, 1936 ed., sec. 630-18).

(2) Duties of the county livestock inspector are: to be the local agent and representative of the board, under the direction of the state veterinarian, in enforcing its laws, rules, and regulations; to report in writing to the state veterinarian all outbreaks of communicable diseases, giving the name and exact postoffice address of the owner, the number of animals that have died, number sick, and number of susceptible animals exposed to the disease; and, for this purpose, to be authorized and empowered by the state veterinarian to make the necessary investigations, enter any premises, examine such livestock as may be deemed necessary, order quarantine of any animals or premises, and see that such quarantine is enforced and maintained until such time as it may be released by order of the board. He is at all times to cooperate with the board in preventing, suppressing, controlling, and eradicating communicable diseases in livestock; and to report his official action to the state veterinarian, who shall, upon receipt of such report, render assistance if necessary. Failure on the part of the inspector to comply with the directions of the state veterinarian shall be cause for removal from office, and his removal shall be at the discretion of the board (ibid., secs. 630, -18, -19). No statutory provision is made for the term of office.

XXX COUNTY CHILDREN'S BUREAU

(1) The county children's bureau was established by the fiscal court and functions with the advice and assistance of the department of public welfare (Carroll's Kentucky Statutes, 1936 ed., sec. 4618-35). The county judge and county superintendent of schools submit to the department of public welfare a list of nine persons, including representatives of both sexes. From this list the department of public welfare recommends three or five persons respectively, who are appointed by the county judge and county superintendent of schools, and who constitute the county children's bureau. Members of this board hold office for terms of three years and serve without compensation, but may be reimbursed by the county for necessary expenses incurred in the discharge of their official duties (ibid., sec. 331L-16). The county children's bureau holds an annual meeting and such special meetings as are called by the chairman. It is provided with office room or desk room in the courthouse and elects annually from its membership a chairman and a secretary, making a full record of all its proceedings and transactions, which are kept where the county archives are kept, and are open for inspection at any time by the members of the fiscal court or commissioners of the county, and by the department of public welfare (ibid., sec. 331L-17).

(2) The county children's bureau has authority to appoint an executive officer, whose qualifications for the position have been approved by the department of public welfare, to act as its executive secretary, and to fix the salary and term of office of such secretary. The secretary may appoint such properly trained assistants as may be approved by the county children's bureau. The children's bureau of one county may unite with that of another, with the approval of the fiscal court, in the employment of an executive secretary (ibid., sec. 331L-18).

(3) It is the duty of the county children's bureau: to discover dependent, neglected, delinquent, and defective children and obtain for them the benefits of the law; to administer the funds appropriated for mothers; to serve as attendance officers if appointed by the educational board or school superintendent; to serve as probation or parole officers if appointed by the judge of the juvenile court or county court; to make such investigations and perform such other service pertaining to the children as may be requested by the fiscal court or county judge, but not to enter any home, family school, or institution without permission from the head of the home, family, or person in charge of the school or institution; to assist the department of public welfare in the administrative performance of its duties; and to make an annual report to the department of public welfare and specific recommendations as to the needs of the children of the county (ibid., sec. 331L-19).

(4) In administering the funds appropriated for mothers' aid, the county children's bureau is required to make an investigation concerning the need of the dependent mothers, to ascertain whether the home is a satisfactory place for the rearing of children, and to make an order for a monthly allowance to such mothers. The county children's bureau must review its findings every six months; visit the homes to which allowances are made, every three months; and keep a full record of each applicant for, or recip-

ient of, assistance, including the reports of investigations, correspondence, and other pertinent information, together with the orders of the bureau in each case (ibid., secs. 331L-20, et seq.).

XXXI COMMISSIONERS OF THE POORHOUSE

(1) In 1922 a controversy arose as to whether the county courts or the fiscal courts should have power to appoint commissioners of the poorhouse. The court of appeals decided in favor of the fiscal court on the grounds that the power of appointment had been vested in the county courts when it was composed of the justices of the peace, but the present county courts consist of the judges, while the fiscal courts consist of the judges together with the justices or commissioners, and, therefore, should have power to appoint commissioners of the poorhouse (Silbersack vs. Kraft et al (1922) Kentucky Reports, vol. 194, p. 587).

(2) The commissioners or superintendents of the poor, existing under systems for the care of the poor adopted in certain counties, or the keepers of the poorhouse, in other counties, are only quasi officers, performing such duties as are required of them by the appointing or employing authority; they are vested with such powers as are bestowed upon them as the agents of such authority, and their tenure of office, duties, and emoluments are usually controlled by contract. These positions are not mentioned in the constitution, and the creation of such places, as well as their authority and duties, is left to the discretion of the court. Their duties are not defined by any statutes, in many counties the services of such agents being entirely dispensed with.

XXXII SURVEYOR

(1) A surveyor is elected in each county every four years (Const. of 1891, sec. 99). He must be at least twenty-four years of age and a resident of the county and must give such bond as required by law. He is compensated by fees regulated by law (ibid., secs. 100, 103, 106). Before entering the duties of his office he must file with the county clerk a certificate from some college or from the circuit judge that he is competent to perform the duties of the office of county surveyor (Carroll's Kentucky Statutes, 1936 ed., sec. 4672a-1).

(2) Surveying or civil engineering work which the court may order the surveyor to do must be considered as belonging to the office of county surveyor, unless another surveyor is appointed by order of the court. The surveyor's failure to comply with the court's orders subjects him to a fine which the court can assess. This work might include processing land, locating of lost corners and dividing lines, surveying and dividing an estate when land is being sold by order of the court, and surveying, locating, and superintending construction of roads, canals, levees, and ditches that are financed by taxation. In all orders of the court the surveyor has the selection of chainmen and other necessary help (ibid., sec. 4672a-2). The surveyor is also a member of committees or commissioners appointed by the courts to locate, inspect, care for, and report on bridges and other

public improvements (ibid., sec. 4672a-3).

(3) The surveyor must execute every court order of survey of lands lying in the county and make out and return a plat and certificate thereof (ibid., sec. 4674). It is his duty to keep a record of all plats and explanatory notes of surveys made by him or his deputy in a book furnished by the county court, and all such records are property of the county court, to be kept in the surveyor's office at the county seat (ibid., secs. 4672a-4, -5). If no record plat books are kept, the fiscal court, by contract with the surveyor, may order him to report by plat and explanatory notes such surveys as he has made while in office and other surveys made by his predecessor if deemed necessary (ibid., sec. 4672a-6).

(4) In considering the application or the appointment of another surveyor for special work, the court must give preference to the county surveyor (ibid., sec. 4672a-7). On recommendation of the surveyor one or more deputies may be appointed by the county court who may act in any case in which a principal could act and for whose acts the principal is answerable (ibid., sec. 4673). An order of survey may be directed to any person in any case at the discretion of the court or by consent of the parties concerned, and the county surveyor or his deputies may administer oaths to commissioners appointed to make surveys (ibid., secs. 4678, 4679).

(5) It is the surveyor's duty to append to the field notes of every survey made by him, the date of such survey and the variation of the needle from the true meridian at the time of making such survey (ibid., sec. 4676). When the office of surveyor becomes vacant, the county court orders the clerk to take charge of the books and papers of such office until another surveyor has qualified (ibid., sec. 4677) and fills the office temporarily until the successor is elected (ibid., sec. 1526). Before permitting the entry of any land for survey or patent the surveyor must require of the applicant an affidavit that such lands are vacant, and, after surveying the land by order of the court, he must forward to the register of the land office, together with his plat and certificate of that land, his own affidavit that the land has not been patented before (ibid., sec. 4705).

XXXIII COUNTY ROAD ENGINEER

(1) The county road engineer is appointed by the county judge, subject to the approval of the fiscal court, for a term of two years. He must be either a reputable civil engineer or a man who has had practical experience as a road supervisor or builder for two years and has passed a creditable examination by the state commissioner of public roads or one of his representatives (Kentucky Statutes, 1915 ed., sec. 4325).

(2) Duties of the county road engineer are to: exercise general charge of all public roads and bridges within the county except turnpikes or bridges privately owned, keep same repaired, supervise all construction, make such reports as directed by the county judge and fiscal court; ad-

wise and direct those employed by various contractors how best to repair, maintain, and improve such roads and bridges; examine the various forms and deposits of gravel for the purpose of ascertaining the best material suited; submit such samples when requested to the state commissioner of public roads; provide for necessary grades and drainage; consider plans, specifications, and estimates submitted for erection, repair, and maintenance of public roads; hold road meetings in each magisterial district each year; inspect or cause to be inspected each road or bridge during its construction or improvement and certify to the fiscal court that work is carried on according to contract; and, when such work is not according to contract, stop the work until the fiscal court passes on it (ibid., 1936 ed., sec. 4328).

(3) The county road engineer is also authorized to: hear and examine complaints (ibid., sec. 4332); certify claims of contractors (ibid., sec. 4333); inspect roads every six months; remove obstructions; post guide boards; place foot bridges across streams (ibid., sec. 4334); acquire gravel beds and stone quarries for grading purposes with the approval of the fiscal court (ibid., sec. 4337); and enter any lands adjacent to public roads to drain same (ibid., sec. 4352). He may also: hold hearings to adjust damages (ibid., sec. 4353); bring suits to enforce public rights in the name of the county (ibid., sec. 4356d); see that owners keep approaches in repair (ibid., sec. 4356d); examine toll bridges (ibid., sec. 4356c); lease necessary machinery (ibid., sec. 4336); plant shade trees, care for, and control same (ibid., secs. 4354, 4355); have water troughs maintained (ibid., sec. 4356); have roads measured when directed to do so by the state commissioner of public roads (ibid., sec. 4356a); and post notices of closed roads (ibid., sec. 4356f). The county road engineer turns over his books to his successor (ibid., sec. 4356h).

XXXIV BOARD OF DRAINAGE COMMISSIONERS

(1) In counties where public ditches, drains, levees, or other improvements of similar character are established, it is the duty of the county judge to call and preside at an election in each drainage district of the county each year, at which time the taxpayers of each district elect a director to represent the board of drainage commissioners. The county judge numbers the drainage districts and the elections take place in the numerical order of the district. If, however, any district is not represented at the election, the judge appoints a director for that district, and he also fills all vacancies during any year by appointment (Carroll's Kentucky Statutes, 1936 ed., sec. 2380-7).

(2) The directors from the different districts constitute the board of drainage commissioners of the county, with the right to acquire, hold, encumber, sell, and convey such real estate and personal property as is necessary to the conduct of its affairs. The board may sue and be sued; contract and be contracted with; and possess such other powers and rights pertaining to corporations as may be necessary for carrying on its work,

including the right of eminent domain. The directors meet at the county seat not later than fifteen days after their election, elect a president from one of their number, and appoint a secretary who need not be a director. If no secretary is appointed, the county clerk acts as ex officio secretary. The president and directors receive no compensation. They meet at such time as the president calls them to meet, with meetings also called upon the written request of two or more directors. The board also elects a treasurer, who executes bond and is paid such salary as the board may fix. The board has an office at the county seat and is equipped with necessary furniture, stationery, and records. It is required to keep or cause to be kept complete records of its proceedings, which are to be open for inspection at all times. It may employ a superintendent of drainage if necessary.

(3) The board is further required, on or before April 1 of each year, to make a complete report of its proceedings during the previous year, showing sources, receipts, and disbursements, which report is to be recorded as a public record, and, at the same time, to publish in the county seat newspaper the financial statement of the previous year. All expenses incurred are to be borne out of the drainage fund and not from any general fund of the county. In addition, the board is expressly authorized to compromise and settle any and all maintenance assessments heretofore made against land or the owner thereof; to have the right to make settlements upon such terms and conditions as it deems proper; and to perform each act necessary to release and discharge all previous claims (*ibid.*, secs. 2380-7, et seq.). The board may appoint a competent drainage engineer, and it may also prescribe the number of assistant engineers to be employed (*ibid.*, sec. 2380-8).

County Drainage Engineer

(4) The county drainage engineer is appointed by the board of drainage commissioners, and he selects his own assistant engineers, the number of which is prescribed by the board.

(5) The drainage commissioner has control of all drainage work until such is completed, unless he is removed sooner by the board, and he may assign such portion as he deems fit to each assistant. He may, with the consent of the board, consult any eminent engineer and obtain his opinion and advice. He has power to employ necessary assistance to make a complete topographical survey of the drainage district and to enter upon the ground and make a survey of the main drains and of the laterals. The line of each ditch, drain, or levee is to be plainly marked on the ground, and the course and distance of each ditch and width of the right-of-way is to be carefully noted, with sufficient notes made so that it may be accurately profiled and mapped. A line of levees is to be run for the entire work and sufficient data secured to make accurate profiles and plans. Frequent bench marks are to be established along the line, on permanent objects, and their elevations recorded in the field books.

(6) If it is deemed expedient, other levees may be run to determine the fall from one part of the district to another. If an old watercourse, ditch, or channel is being widened, deepened, or straightened, it is to be accurately cross-sectioned so as to compute the amount of cubic yards saved by the use of such old channels. A drainage map of the district is then to be completed showing the location of the ditches and other improvements and the boundaries, as accurately as may be reasonably determined, of lands owned by each individual land owner within the district.

(7) The location of any railroad or public highway and the boundaries of any incorporated towns or villages within the district are to be shown on the map. A profile of each levee, drain, or watercourse, showing the surface of the ground, and the grade of the proposed improvement, is to be prepared to accompany the map. If any private ditch is utilized, the saving by using such is to be carefully computed and reported, together with the name of the owner.

(8) Whenever the engineer makes a survey for the purpose of locating a public levee or drainage district or changing a natural watercourse, any of which would cross the right-of-way railroad company, it is the duty of the board of drainage commissioners to arrange a meeting with the railroad company. Such meeting, fixed by written notice to the railroad company, is to be not less than ten days after service of such notice, and is for the purpose of conferring with the railroad company relative to the placing and the manner in which the improvement is to cross the right-of-way. At the time of the meeting the drainage engineer and the railroad company are to come to an agreement, if possible, on this matter, but if an agreement cannot be reached, or if the railroad company fails to confer, the drainage engineer is to determine the place and manner of crossing the right-of-way and is to specify the number and size of openings, so stating in his report. The engineer is then to make an estimate of the cost of such work, with plans and specifications, to be filed, together with all maps, profiles, et cetera, with the county court clerk, which papers are then made a part of the record of such proceedings. These papers are to be made in duplicate, the original to remain in the custody of the clerk and the duplicate to be withdrawn for use by the viewers, board of drainage commissioners, or the engineer or contractor on the work, and to be received for by the person withdrawing them and returned in due time.

(9) When such report of the drainage engineer is filed, the board of drainage commissioners meets, receives, and adopts same with modifications, if necessary. They then notify the county judge of such action, who enters an order referring the proceedings of the original viewers for the purpose of assessing damages and making a classification of the lands involved (Carroll's Kentucky Statutes, 1936 ed., secs. 2380-8, -9).

XXXV COUNTY AGRICULTURAL AGENT

(1) Although no specific provision is made by law for the office of the

county agricultural agent, acts of Congress passed in 1914, 1928, and 1930 provide appropriations for the carrying on of the cooperative extension work in agriculture and the employment of extension agents in counties of the several states (United States Code, Title 7, secs. 341, et seq.). This work consists of the giving of instruction and practical demonstrations in agriculture to persons not attending colleges. It is carried on in such manner as is mutually agreed upon by the secretary of agriculture and the University of Kentucky (Carroll's Kentucky Statutes, 1936 ed., sec. 4636f-9).

(2) The Kentucky General Assembly in 1916 and in 1930 assented to the provisions and requirements of these acts and authorized the trustees of the University of Kentucky to receive the grants of money thus appropriated and to conduct agricultural extension work, carried on in connection with the university (ibid., secs. 4636f-9, 4636h-1). The fiscal court and board of education of the county are authorized to appropriate such sums of money out of their annual funds as, in their wisdom, are necessary to aid in carrying on the extension work (ibid., sec. 4639g-2).

(3) The powers and duties of the county agricultural agent are not enumerated by statute, but depend upon agreements and regulations made by the Secretary of Agriculture, trustees of the University of Kentucky, and the county fiscal courts.

XXXVI HOME DEMONSTRATION AGENT

(1) Although no specific provision is made by law for the office of home demonstration agent, such agents are employed in some Kentucky counties under the same act that authorizes the county agricultural agent (United States Code, Title 7, secs. 341, et seq.). This act provides appropriations for the carrying on of cooperative extension work in home economics and the giving of instruction and practical demonstrations to persons not attending or residents in colleges. The powers and duties of the home demonstration agent are not enumerated by statute, but, like the county agricultural agent, depend upon agreements and regulations made by the Secretary of Agriculture, the trustees of the University of Kentucky, and the county fiscal courts.

(2) The fiscal courts and boards of education of the counties are authorized to appropriate such sums of money out of their annual funds as, in their wisdom, are necessary to aid in carrying on the extension work (Carroll's Kentucky Statutes, 1936 ed., sec. 4639g-2).

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